

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:2006 CV 00269

PATRICIA DUDA,)
Plaintiff,)
v.)
THE CHARLOTTE-MECKLENBURG)
HOSPITAL AUTHORITY, dba)
CAROLINAS HEALTHCARE SYSTEM,)
dba CAROLINAS MEDICAL CENTER,)
Defendant.)

CONSENT PROTECTIVE ORDER

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, and upon stipulation of the parties, as evidenced by the endorsement of counsel hereon, and with the concurrence of the Court,

It is hereby ORDERED, ADJUDGED AND DECREED that:

1. Plaintiff will request in the future, certain information and documents regarding Defendant's employees' salary, personnel files and other related information which is deemed confidential by North Carolina General Statute § 131E-257.2. (hereinafter "Confidential Information").
2. Before producing such information, Defendant may mark as "Confidential" any documents containing Confidential Information.
3. All documents subject to this Order shall hereinafter be referred to as the "Confidential Documents";

4. The Confidential Documents and the Confidential Information contained therein shall be used only in connection with the above-captioned action and shall not be disclosed to, or used by any person other than those identified hereafter under the conditions and limitations described herein;

5. The Confidential Documents and the Confidential Information contained therein may only be disclosed to:

- a. the Court, through testimony, oral argument, or otherwise which the parties may file under seal, and the Clerk hereby is directed to accept as filed under seal;
- b. Plaintiff and her counsel of record in this action;
- c. law clerks, paralegals, legal assistants, stenographic and clerical employees of counsel, who are assisting in the prosecution or defense of this matter and are operating under the direct supervision of counsel; and
- d. independent and internal experts working on behalf of Plaintiff or Defendant for the purposes of this litigation.

6. Any person to whom disclosure is made pursuant to this Order shall receive or be shown a photocopy of this Order and shall agree to abide by its provisions.

7. Each person examining any Confidential Information hereby agrees to be subject to the jurisdiction of this Court for contempt and any other appropriate proceedings in the event of any violation of this Order.

8. No person who examines any Confidential Information shall disseminate orally, in writing, or by any other means any Confidential Information to any other person not also authorized to examine the Confidential Documents.

9. Any original documents belonging to Defendant produced under the terms of this Order shall remain in the custody and control of Defendant at all times.

10. All Confidential Information shall retain that designation and shall remain subject to this Order until such time, if ever, as the Court renders a decision that any Confidential Information shall not be covered by the terms of this Order and all proceedings and appeals challenging such decision have been concluded, or as the parties or their counsel agree in writing.

11. Any and all Confidential Documents, including copies thereof, shall be returned to the producing party no later than ten days after the Court enters a Final Order in this action, unless ordered earlier by the Court, or as the parties or their counsel agree in writing.

12. Nothing herein shall prejudice a party's right or ability to petition the Court for additional or different relief, or to alter the terms of this Order by written agreement between the parties or their counsel.

This the 1st day of December 2006.

CONSENT:

/s/ Kimberly Q. Cacheris
Kimberly Q. Cacheris
N.C. State Bar No. 20087
/s/ Benjamin R. Holland
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Attorney for the Plaintiff

It is so ordered, this the 4th day of December, 2006.



United States Magistrate Judge Carl Horn, III